

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JENNIFER RIVERA,

Plaintiff,

vs.

COMPLAINT

DR. ERIC ENRIQUEZ,

Defendant.
-----X

07 CIV. 6134

WP4

By and through her counsel, Michael H. Sussman, plaintiff claims as against the defendant as follows:

PARTIES

1. Plaintiff is a Hispanic female who was born in the Bronx, New York and is of legal age. Her parents are Puerto Rican, her father having been born in Puerto Rico. She lives in the Town of Newburgh, County of Orange, within this judicial district.

2. Defendant, Dr. Eric Enriquez, is a dentist who works in the Town of Newburgh within this judicial district. He is not Puerto Rican or Hispanic.

JURISDICTION

3. This Honorable Court has jurisdiction over this case pursuant to 28 U.S.C. sec. 1331, 1343 (3) & (4) and 42 U.S.C. secs. 1981 and 1988.

FACTUAL ALLEGATIONS

4. On May 21, 2007, defendant employed plaintiff as a front desk manager.
5. On May 23, 2007, defendant terminated plaintiff's employment without warning.
6. Defendant took this action by calling plaintiff at home at 7:44 p.m.
7. Defendant had no legitimate basis or cause for terminating plaintiff.

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8. On the day he terminated plaintiff, defendant commenced speaking at the office in a manner highly derogatory to Puerto Rico and Puerto Ricans, more specifically Puerto Ricans from the Bronx.

9. When he commenced speaking in this manner, defendant did not know that plaintiff was Puerto Rican and from the Bronx.

10. By the end of this conversation, plaintiff had stated to defendant that she, in fact, was Puerto Rican and from the Bronx.

11. Within hours of learning this, defendant terminated plaintiff's employment.

12. During the first three days of her employment and before learning she was Puerto Rican, defendant and his wife both complimented plaintiff on her job performance.

13. The excuse defendant provided to plaintiff for firing her - that she left the office at 5:30 p.m. - was a sheer pretext, as defendant had previously approved plaintiff's leaving the office at that time.

14. Being terminated from employment based on her race/national origin upset plaintiff and caused her mental anguish, sleeplessness and considerable anger.

15. To date, plaintiff has searched for comparable employment without success.

16. Defendant acted in a discriminatory and malicious manner as related above.

CAUSES OF ACTION

17. Plaintiff re-states paras. 1-16 as if restated herein.

18. By terminating plaintiff's employment based upon her being Puerto Rican, a distinct racial group, defendant violated 42 U.S.C. sec. 1981, as amended.

19. By terminating plaintiff's employment based upon her being Puerto Rican, defendant violated section 296 of the Executive Law of the State of New York, a claim over which this


Honorable Court has ancillary/pendent jurisdiction pursuant to 28 U.S.C. sec. 1367.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court:

- (a) accept jurisdiction over this matter;
- (b) empanel a jury to fairly hear and decide this matter;
- © award to plaintiff compensatory and punitive damages as against defendant;
- (d) award to plaintiff the attorneys fees and costs arising from this matter and
- (e) enter any other relief which the Court deems just and proper.

Respectfully submitted,


MICHAEL H. SUSSMAN [3497]

SUSSMAN & WATKINS
PO BOX 1005
Goshen, New York 10924
(845)-294-3991

Dated: June 28, 2007
Goshen, New York